

Application No. 09/998,855
Response Dated: July 26, 2004
Reply to Office Action Dated May 24, 2004

REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1, 3, 5-7, and 19-22.

The numbering in this response will follow that of the Examiner's Action.

Concurrently with this Response, Applicants are also Petitioning what Applicants believe is a premature Final Rejection.

1. and 2. No response necessary.

Section 112, ¶ 2 Rejections

3. *Claims 1, 3, 507 and 19-22 stand rejected under 35 U.S.C. § 112, 2nd paragraph as indefinite*

In claims 19 and 20 the wording has been amended to address the Examiner's points.

In claims 1 and 6, the Examiner maintains that in the cited claim element "forms thermally reversible viscoelastic liquid like or solid like materials in organic liquids" "all the necessary conditions the composition and method of making the composition are required to have to meet two limitation do not appear even close to being recited in these claims." And "The sole working example in the specification only discloses a single metallocene and a single gelling agent, which is too sparse a showing in an inherently uncertain field like chemistry, let alone catalysis, to properly fully describe with sufficient specificity the invention as claimed."

Applicant does not agree. First, if there is evidence of an assertion that any of the terms or words used in the claims are not understood by the skilled person, it has not been put forward. Second, as far as Applicant is aware, there is no statutory requirement that there must be a linkage between the number and breadth of one's examples and the

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breadth of one's claims. Breadth of a claim and its' indefiniteness, are quite different matters. Indefiniteness does not seem to be the issue here, as the terms "polymerization catalyst" and "gelling agent" are either understood by the skilled person, or would be based on Applicant's disclosure. Breadth seems to be the issue, and a claim of undue breadth is subject to prior art.

Withdrawal of the Rejections is respectfully requested.

Rejections Under 35 U.S.C. § 103

4. & 5. Claims 1, 3, 5-7 and 19-22 stand rejected as obvious under 35 U.S.C. § 103(a) over each of US 4,397,761 (McDaniel I) or US 5,075,394 (McDaniel II).

The claim element "aluminum ortho-phosphates" has been deleted from all claims. Neither McDaniel I or McDaniel II discloses or suggests the remaining gelling agents.

Absent such suggestion or disclosure, the present claims are not rendered obvious by either McDaniel document. Accordingly, withdrawal of the Rejections is respectfully requested.

6. & 7. No response necessary.

All the Examiner's objections and rejections have been addressed.

The claims are in condition for allowance.

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Respectfully submitted,



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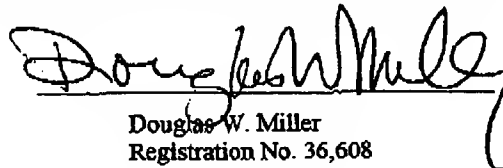
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July 26, 2004

Date



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